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## THE CATHOLIC JUST WAR TRADITION AND RUSSIA'S WAR AGAINST UKRAINE

*The Catholic just war tradition is rooted in the philosophy of Cicero and has been developed by subsequent philosophers and theologians up to the present day. A war can be just only if its purpose is to restore the peace. Applying the just war criteria to the Russian Federation's invasion of the sovereign nation of Ukraine on 24 February 2022 yields the conclusion that it is an unjust war of aggression and that Ukraine is justified in defending itself militarily. Although Pope Francis appealed to all parties to avoid violence, that did not prevent the outbreak of war. After this major escalation of the war that began with Russia's unlawful annexation of Crimea in 2014, both Pope Francis and the President of the Pontifical Council for Promoting Christian Unity criticized Russian Orthodox Patriarch Kirill for supporting Russia's invasion. It is unclear where Pope Francis stands regarding the possibility of a just war. He has made statements that appear to reject the just war tradition as obsolete today. At the same time, he has recognized the right of Ukrainians to defend their country. It is not unjust for Ukrainian soldiers to pay the ultimate sacrifice in defense of their homeland. The profession of arms is a noble vocation. Thomas Aquinas recognized the virtues of military heroes who defend the common good in a just war. Many Ukrainian soldiers have performed acts of heroic virtue. Ukrainian Catholic University Vice Rector Myroslav Marynovych met with Pope Francis in June 2022 and reported that the Roman Pontiff is open to reconsidering the question of justice in warfare. In clarifying the concept of just war, it is important to point out that a war can be unjust on both sides, or just on one side and unjust on the other, but not just on both sides. Consequently, war is always unjust in the sense that all wars are unjust on at least one side. That does not mean, however, that it is impossible for a war to be just on one of its sides.*

**Keywords:** just war, *jus ad bellum*, *jus in bello*, *jus post bello*, virtues, peace.

The just war tradition is rooted in the philosophy of Marcus Tullius Cicero and was developed by subsequent philosophers and theologians including, among others, Augustine of Hippo, Gratian, Thomas Aquinas, Francisco de Vitoria, Bartolomé de las Casas, and Francisco Suárez. This tradition includes a distinction between criteria that must be satisfied in a decision to go to war (*jus ad bellum*) and criteria that must be met while fighting a war (*jus in bello*). Although scholars of the just war tradition provide slightly different sets of criteria, there is a broad consensus around six criteria of *jus ad bellum* – just cause, right intention, legitimate authority, proportionality, last resort, and reasonable hope of success – and two criteria of *jus in bello* – proportionality of means and discrimination between combatants and non-combatants. The two sets of criteria are related: a war can be fought justly only if the initial decision to go to war was just. Progress has been made in recent decades to enhance the just war tradition by adding criteria of justice upon the conclusion of a war (*jus post bello*) [1, p. 295–299]. A war can be just only if its purpose is to restore the peace.

On 24 February 2022, the Armed Forces of the Russian Federation, by order of President Vladimir Putin, invaded the independent nation of Ukraine. This was a major escalation of a war that Russia began in 2014 with the unlawful annexation of Crimea. The same day, United Nations Secretary-General António Guterres stated that "Russian military operations inside the sovereign territory of Ukraine" were "wrong", "unacceptable", and in direct conflict with the United Nations Charter [2].

Applying the criteria of *jus ad bellum* to the outbreak of this war yields the conclusion that "the ongoing conflict is the result of an unprovoked and unjustified war of Russian aggression on Ukraine" and that "the use of force by Ukrainian authorities is squarely within criteria of a just war" [3]. The heinous atrocities committed against Ukraine's civilian population demonstrate that Russia has utterly failed to meet the criteria of *jus in bello*. Russia's war against Ukraine is unjust; Ukraine's defensive response to Russia's aggression is just.

The day before the invasion, the Bishop of Rome, Pope Francis, called for a non-violent response to any future violence: "My heart aches greatly at the worsening situation in Ukraine.... I pray that all the parties involved refrain from any action that would cause even more suffering to the people, destabilising coexistence between nations and bringing international law into disrepute.... Jesus taught us that the diabolical senselessness of violence is answered with God's weapons, with prayer and fasting" [4]. The next day, after Russia began its invasion, Vatican Secretary of State Cardinal Pietro Parolin referred to Pope Francis's words of the previous day and hoped that war could still be avoided: "This appeal has taken on dramatic urgency following the beginning of Russian military operations in Ukrainian territory.... Yet there is still time for goodwill, there is still room for negotiation, there is still a place for the exercise of a wisdom that can prevent the predominance of partisan interest, safeguard the legitimate aspirations of everyone, and spare the world from the folly and horrors of war" [5]. Unfortunately, the Vatican's appeal for a non-violent resolution of the crisis did not prevent the outbreak of war.

In the months following Russia's attack on Ukraine, Pope Francis talked about the war frequently. In June 2022, he told the Bishops of the Synod of the Ukrainian Greek-Catholic Church: "I join spiritually in your suffering, assuring you of my prayer and my commitment, which not infrequently, because of the delicate situation, does not emerge in the media" [6]. He said to a general audience on 24 August 2022: "I renew my invitation to implore peace from the Lord for the beloved Ukrainian people who for six months today have been suffering the horror of war" [7]. In September 2022, he spoke of the "senseless and tragic war that broke out with the invasion of Ukraine" [8].

Pope Francis also criticized the top leadership of the Russian Orthodox Church for supporting Russia's invasion of a sovereign nation. In an interview with an Italian newspaper on 3 May 2022, he recalled comments he had made to Russian Orthodox Patriarch Kirill in a 16 March 2022 video conference: "I spoke with Kirill for forty minutes

on Zoom. For the first twenty minutes, he read from a piece of paper he was holding in his hand all the reasons that justify the Russian invasion. I listened to him and then replied: I don't understand any of this. Brother, we are not state clerics, we shouldn't speak the language of politics, but rather the language of Jesus. We are shepherds of the same holy flock of God. For this reason we must look for a path to peace, we must stop the fighting. A Patriarch can't lower himself to become Putin's altar boy" [9].

On 29 June 2022, Cardinal Kurt Koch, President of the Pontifical Council for Promoting Christian Unity, also criticized the Patriarch's support of Russia's aggression: "Patriarch Kirill's pseudo-religious justification of the war must shatter every ecumenical heart. From a Christian perspective, one cannot justify a war of aggression, but at most, under certain conditions, defense against an unjust attacker. To downplay Putin's brutal war of aggression as a 'special operation' is an abuse of language.... In my opinion, that the Patriarch dares to legitimize the brutal and absurd war in Ukraine for pseudo-religious reasons is heresy" [10].

Although Cardinal Koch's comments are fully consistent with the just war tradition, it is somewhat unclear where Pope Francis stands regarding the possibility of a just war. During the March 2022 video conference with Patriarch Kirill, he appeared to reject the just war tradition entirely: "There was a time, even in our Churches, when people spoke of a holy war or a just war. Today we cannot speak in this manner.... Wars are always unjust, since it is the People of God who pay" [11]. During a return flight from Kazakhstan on 15 September 2002, however, the Holy Father recognized the right of Ukrainians to defend their country. He responded to a journalist who asked whether Ukraine should be given weapons: "The motivation is what largely qualifies the morality of this act. To defend oneself is not only lawful but also an expression of love of country. Those who do not defend themselves, those who do not defend something, do not love it; instead, those who defend, love." He added: "One should think more about the concept of just war" [12].

In an encyclical letter published in 2020, Pope Francis referred to a paragraph in the *Catechism of the Catholic Church* that outlines the theory of justice in warfare: "The strict conditions for legitimate defense by military force require rigorous consideration. The gravity of such a decision makes it subject to rigorous conditions of moral legitimacy.... These are the traditional elements enumerated in what is called the 'just war' doctrine. The evaluation of these conditions for moral legitimacy belongs to the prudential judgment of those who have responsibility for the common good" [13, p. 2309]. Pope Francis then remarked: "We can no longer think of war as a solution, because its risks will probably always be greater than its supposed benefits. In view of this, it is very difficult nowadays to invoke the rational criteria elaborated in earlier centuries to speak of the possibility of a 'just war'" [14, n. 258]. Francis cited one of his predecessors, John XXIII, to support his position: "It no longer makes sense to maintain that war is a fit instrument with which to repair the violation of justice" [15, p. 127]. He then added in a note: "Saint Augustine, who forged a concept of 'just war' that we no longer uphold in our own day, also said that 'it is a higher glory still to stay war itself with a word, than to slay men with the sword, and to procure or maintain peace by peace, not by war'" [14, n. 242].

Invoking the just war criteria to make a decision about going to war is extremely difficult in any century. But difficulty does not imply impermissibility. Furthermore, the

*ius ad bellum* criterion of last resort forbids nations from going to war without first attempting to prevent the outbreak of war by peaceful means.

At the theoretical level, Pope Francis appears to reject the just war tradition as obsolete in the twenty-first century. When asked about a particular war involving a clear case of unjust aggression, however, he appears to acknowledge the right of the Ukrainian people to defend their homeland by military force.

Pope Francis has spoken of Ukrainians as "martyrs": "Let us think of Ukraine and pray for this martyred people" [16]. But martyrs are witnesses of the faith, not perpetrators of injustice. It is not unjust for thousands of Ukrainian soldiers to pay the ultimate sacrifice in defense of their families, communities, and fellow citizens. And it is not without good reason that the profession of arms has traditionally been recognized as a noble vocation. Thomas Aquinas, the Angelic Doctor of the Catholic Church, argued that the cardinal virtue of fortitude is "properly about dangers of death occurring in battle", when a soldier is "defending the common good by a just fight" [17, II-II 123, 5]. Aquinas also included "military prudence" in his discussion of the cardinal virtues: "The execution of military service belongs to fortitude, but the direction, especially in so far as it concerns the commander-in-chief, belongs to prudence" [17, II-II 50, 4]. Furthermore, he argued that prudence, justice, fortitude, and the other virtues are connected [17, I-II 65, 1]. Ukrainian officers and soldiers have performed acts of heroic virtue in defense of their native land. Their prudent and courageous actions are not unjust.

On 8 June 2022, three Ukrainians met informally with Pope Francis to discuss a range of topics. One member of the delegation, Ukrainian Catholic University Vice Rector Myroslav Marynovych (a Gulag survivor) reported afterwards: "At the end of our talk, we raised the issue of ambiguity in Catholic doctrine regarding the concepts of 'just war' and 'just peace.' It would be important for the entire world if the Church paid particular attention to clarifying this issue. The Pope actively reacted to this proposal and agreed that such clarification was needed. It turned out that he had already instructed some cardinals to study this topic in more depth" [18].

In clarifying the concept of just war, it would be important to point out that a war is to be evaluated as just or unjust on both of its sides. A war can be unjust on both sides, or just on one side and unjust on the other, but not just on both sides. Augustine, the Doctor of Grace, understood that a just war is always unjust on one side: "It is the wrongdoing of the opposing party which compels the wise man to wage just wars" [19, XIX 7]. Consequently, a statement that wars are always unjust is true in the sense that all wars are unjust on at least one side. That does not mean, however, that it is impossible for a war to be just on one of its sides.

It is certainly true that a world without war would be better, all else equal, than a world with war. Furthermore, if everyone applied the just war criteria correctly, warfare would be eliminated. But the human race includes persons, and leaders of nations, who do not always act justly. The question of justice in warfare is the question of how to respond when an aggressor unjustly launches an attack. Should the victim refrain from resisting in order to prevent the outbreak of warfare, or resist in order to prevent an outcome worse than war? Ukrainian political scientist and social media journalist Kateryna Kruk has captured this dilemma succinctly: "If Russia stops fighting, there'll be no more war. If Ukraine stops fighting, there'll be no more Ukraine" [20].

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## КАТОЛИЦЬКА ТРАДИЦІЯ СПРАВЕДЛИВОЇ ВІЙНИ І ВІЙНА РОСІЇ ПРОТИ УКРАЇНИ

*Католицька традиція справедливої війни сягає корінням у філософію Цицерона і розвивається наступними філософами та богословами аж до наших днів. Війна може бути справедливою лише тоді, коли її метою є відновлення миру. Застосування критеріїв справедливої війни до вторгнення Російської Федерації в суверенну державу Україна 24 лютого 2022 року дає змогу зробити висновок, що це несправедлива агресивна війна і що Україна має право захищати себе військовим шляхом. Хоча Папа Франциск звернувся до всіх сторін із закликом уникати насильства, це не допомогло запобігти початку війни. Після цієї великої ескалації війни, яка почалася з незаконної анексії Криму Росією в 2014 р., і Папа Франциск, і президент Папської ради сприяння єдності християн розкритикували російського православною патріарха Кирила за підтримку російського вторгнення. Незрозуміло, яку позицію займає Папа Франциск щодо можливості справедливої війни. Він зробив заяви, які, здається, відкидають традицію справедливої війни як застарілу на сьогодні. Водночас, він визнає право українцям захищати свою країну. Для українських солдатів не є несправедливим платити найвищу жертву, захищаючи свою батьківщину. Професія зброяря – це благородне покликання. Тома Аквінський визнавав чесноти військових героїв, які захищають спільне благо у справедливій війні. Багато українських воїнів здійснили акти героїчної чесноти. Віце-ректор Українського католицького університету Мирослав Маринович у червні 2022 року зустрівся з Папою Франциском і повідомив, що Римський понтифік відкритий до переосмислення питання справедливості у війні. З'ясовуючи поняття справедливої війни, важливо зазначити, що війна може бути несправедливою з обох сторін, або тільки з одного боку і несправедливою з іншого, але не тільки з обох сторін. Отже, війна завжди несправедлива в тому сенсі, що всі війни несправедливі принаймні з одного боку. Це, однак, не означає, що війна не може бути справедливою для однієї зі сторін.*

**Ключові слова:** справедлива війна, jus ad bellum, jus in bello, jus post bello, чесноти, мир.